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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,012	06/28/2001	Karen L. Lampe	1228-01	4985

7590

09/09/2005

IP Department
SCHNADER HARRISON SEGAL & LEWIS
36th Floor
1600 Market Street
Philadelphia, PA 19103

EXAMINER

SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/894,012	Applicant(s) LAMPE ET AL.	
	Examiner Shannon S. Saliard	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "1" and "2" have both been used to designate the "Document Viewer". It appears that the "Document Viewer" should be referenced as "2" in the specification because reference character "1" is used to identify the "User" in the drawings. Also reference characters "2" and "3" have both been used to designate the "Personal Computer". It appears that the "Personal Computer" should be referenced as "3" in the specification because the reference character "2" is used to identify the "Document Viewer" in the drawings. Additionally, reference characters "21" and "22" have both been used to designate the "LED". It appears that the "LED" should be referenced as "22" in the specification because the reference character "21" is used to identify the "Memory" in the drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3639

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 1, 8, and 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

Claim Objections

3. **Claims 8-12** are objected to because of the following informalities: It appears that claims 8, 9, 11, and 12 should depend from claim 7 because they appear to be the same as claims 2, 3, 5, and 6. Also, it appears that claim 10 should depend from claim 9 because it appears to be the same as claim 4. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 3, 6, 7, 9, 12, 13, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by Rauber et al [U.S. Patent No. 6,182,053].

As per **claims 1, 7, and 13**, Rauber et al discloses a method for reserving items over a computer network comprising the steps of: receiving inventory information over said computer network about at least one item stored in at least one geographic location (col 5, lines 9-17); storing said inventory information in a data source (col 7, lines 37-40); receiving a request from a user to reserve said item (col 8, lines 6-8); generating a reservation request based upon said request from said user (col 8, lines 45-47); sending said reservation request to said geographic location over said computer network to

Art Unit: 3639

activate an electronic tag assigned to said item to indicate that said item has been reserved (col 10, lines 57-67; col 11, lines 1-15); and receiving a response from said geographic location that said electronic tag has been activated (col 9, lines 1-7).

As per **claims 3 and 9**, Rauber et al further discloses further comprising the step of generating a receipt based upon said response from said geographic location (col 9, lines 15-17).

As per **claims 6, 12, and 18**, Rauber et al further discloses wherein said reservation request contains one or more pieces of information selected from the group consisting of a tracking number, said user's name, said user's telephone number, and the duration of said reservation (col 8, lines 8-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 2, 8, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauber et al [U.S. Patent No. 6,182,053] in view of Mehrotra et al [U.S. Publication No. US 2003/0167222].

As per **claims 2, 8, and 16**, Rauber et al discloses all the limitations of claim 1. Rauber et al does not disclose wherein said inventory information is received from a plurality of geographic locations, further comprising the steps of selecting at least one of said geographic locations and forwarding said reservation request to said selected geographic location. However, Mehrotra et al discloses a request system that lists inventory from a plurality of locations in which one location is selected and the request is forwarded to the selected location (0035; 0040). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Rauber et al to include the method disclosed by Mehrotra et al. Mehrotra et al provides the motivation that providing an inventory list from multiple

Art Unit: 3639

locations is useful for mass marketing of the same products and that a seller is able to setup a website in any physical location in the world and sell to any location to reach a large potential customer base (0005). Mehrotra et al discloses also suggests that consumer products requested over a website allow comparison of these products by price and features from a remote location (0006).

6. **Claims 4, 10, 14, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauber et al [U.S. Patent No. 6,182,053] in view of Williams [U.S. Publication No. US 2003/0149600].

As per **claims 4, and 10**, Rauber et al discloses all the limitations of claim 1. Rauber et al does not disclose further comprising the step of emailing the receipt to said user at an email address. However, Williams discloses a reservation system in which a receipt of the reservation is emailed to the user (0070). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Rauber et al to include the method disclosed by Williams so that the customer can have a personal copy of the transaction, which is easily accessible, for future review.

As per **claims 14 and 15**, Rauber et al discloses that the inventory is managed in a computer network. Rauber et al does not explicitly disclose wherein said information exchange system comprises a Web server, a data source interface in communication with said Web server, and a data source in communication with said data source interface, and an email server. However, Williams discloses a system for reserving

Art Unit: 3639

inventory that includes a Web server, data source interface, data source, and email server (0041-0043). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Rauber et al to include the method disclosed by Williams. Williams discloses that using the World Wide Web for information exchange allows a server to send graphical information to remote locations suggesting that use of the World Wide Web for information exchange is convenient for customers. Remote access allows the user to not be present at the particular location, but make reasonable determination of price and features to reserve an item from a seller's inventory.

7. **Claims 5, 11, and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rauber et al [U.S. Patent No. 6,182,053] in view of Sehr [U.S. Patent No.

As per **claims 5, 11, and 17**, Rauber et al discloses all the limitations of claim 1. Rauber et al does not disclose further comprising the step of storing said reservation request in said electronic tag. However, Sehr et al discloses an electronic tag that stores reservation information (col 15, lines 43-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Rauber et al to include the method disclosed by Sehr to indicate for whom or for what purpose the inventory item is reserved.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

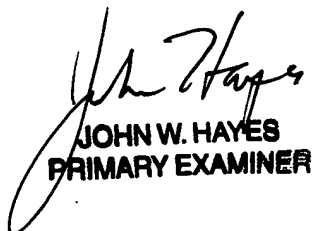
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shannon S Saliard
Examiner
Art Unit 3639

SSS


JOHN W. HAYES
PRIMARY EXAMINER